

FIRST REGULAR SESSION

# HOUSE BILL NO. 318

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CRAWFORD (Sponsor) AND FRANKLIN (Co-sponsor).

0831H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 488.040, and 494.455, RSMo, and to enact in lieu thereof two new sections relating to jury costs.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 488.040, and 494.455, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 488.040, and 494.455, to read as follows:

488.040. 1. Each grand and petit juror shall, pursuant to the provisions of section 494.455, receive six dollars per day for every day he or she may actually serve as such and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county.

2. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to subsection 3 of this section in the amount of at least six dollars per day in addition to the amount required by subsection 1 of this section, a person shall receive an additional six dollars per day, pursuant to the provisions of section 494.455, to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage as indicated in subsection 1 of this section, for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 each county or a city not within a county may authorize additional daily compensation and  
19 mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional  
20 compensation and mileage allowance authorized by this subsection only if the governing body  
21 of the county or the city not within a county authorizes the additional compensation. The  
22 provisions of this subsection authorizing additional compensation shall terminate upon the  
23 issuance of a mandate by the Missouri supreme court which results in the state of Missouri being  
24 obligated or required to pay any such additional compensation even if such additional  
25 compensation is formally approved or authorized by the governing body of a county or a city not  
26 within a county.

27 4. When each panel of jurors summoned and attending court has completed its service,  
28 the board of jury commissioners shall cause to be submitted to the governing body of the county  
29 or a city not within a county a statement of fees earned by each juror. Within thirty days of the  
30 submission of the statement of fees, the governing body shall cause payment to be made to those  
31 jurors summoned the fees earned during their service as jurors.

32 **5. In any civil case the court may, within its discretion, order that any jury costs**  
33 **including but not limited to compensation, mileage, meals and lodging be taxed against and**  
34 **paid by the party against whom a judgment is made. The party against whom a judgment**  
35 **is made shall be liable for the payment of such jury costs to the governing body of the**  
36 **county or a city not within a county.**

494.455. 1. Each county or city not within a county may elect to compensate its jurors  
2 pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this  
3 section.

4 2. Each grand and petit juror shall receive six dollars per day, for every day he or she  
5 may actually serve as such, and seven cents for every mile he or she may necessarily travel going  
6 from his or her place of residence to the courthouse and returning, to be paid from funds of the  
7 county or a city not within a county. The governing body of each county or a city not within a  
8 county may authorize additional daily compensation and mileage allowance for jurors, which  
9 additional compensation shall be paid from the funds of the county or a city not within a county.  
10 The governing body of each county or a city not within a county may authorize additional daily  
11 compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive  
12 the additional compensation and mileage allowance authorized by this subsection only if the  
13 governing body of the county or the city not within a county authorizes the additional  
14 compensation. The provisions of this subsection authorizing additional compensation shall  
15 terminate upon the issuance of a mandate by the Missouri supreme court which results in the  
16 state of Missouri being obligated or required to pay any such additional compensation even if  
17 such additional compensation is formally approved or authorized by the governing body of a

18 county or a city not within a county. Provided that a county or a city not within a county  
19 authorizes daily compensation payable from county or city funds for jurors who serve in that  
20 county pursuant to this subsection in the amount of at least six dollars per day in addition to the  
21 amount required by this subsection, a person shall receive an additional six dollars per day to be  
22 reimbursed by the state of Missouri so that the total compensation payable shall be at least  
23 eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a  
24 particular case; or for each day that a person actually serves as a grand juror during a term of a  
25 grand jury. The state shall reimburse the county for six dollars of the additional juror  
26 compensation provided by this subsection.

27         3. In any county of the first classification without a charter form of government and with  
28 a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive  
29 compensation for the first two days of service, but shall receive fifty dollars per day for the third  
30 day and each subsequent day he or she may actually serve as such, and seven cents for every mile  
31 he or she may necessarily travel going from his or her place of residence to the courthouse and  
32 returning, to be paid from funds of the county.

33         4. When each panel of jurors summoned and attending court has completed its service,  
34 the board of jury commissioners shall cause to be submitted to the governing body of the county  
35 or a city not within a county a statement of fees earned by each juror. Within thirty days of the  
36 submission of the statement of fees, the governing body shall cause payment to be made to those  
37 jurors summoned the fees earned during their service as jurors.

38         **5. In any civil case the court may, within its discretion, order that any jury costs**  
39 **including but not limited to compensation, mileage, meals and lodging be taxed against and**  
40 **paid by the party against whom a judgment is made. The party against whom a judgment**  
41 **is made shall be liable for the payment of such jury costs to the governing body of the**  
42 **county or a city not within a county.**

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